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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,458	06/26/2003	Yo Sawamura	12844.0037US01	3486
23552	7590	11/01/2005	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			SHERMAN, STEPHEN G	
			ART UNIT	PAPER NUMBER
			2674	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,458

Applicant(s)

SAWAMURA, YO

Examiner

Stephen G. Sherman

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 5-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/26/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group I, claims 1-4 in the reply filed on 3 October 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Drawings

1. Figures 3-5 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awan et al. (US 6,792,293) in view of Suso et al. (US 6,466,202).

Regarding claim 1, Awan et al. disclose a portable communicating apparatus comprising a display section (Figure 2, item 104) having a display unit (Figure 1, item 210), a body section (Figure 2, item 106) having a signal processing device including a CPU (Figures 4A, 4B and 5. The examiner interprets that since the antenna is attached to the body section of the apparatus that it would have been obvious to include the transceiver and microprocessor, which are interpreted to be the signal processing unit including a CPU, shown in Figure 5 in the body section 106.), and a connecting section

for relatively displacing the display section and the body section (Figure 2, item 108) and wherein transmission of data between the signal processing device and an image processing means is enabled only when the data includes image data (Figure 6 and column 6, lines 12-53. The examiner interprets that since the processor determines whether a call has been received or not, and in conjunction with determining that a message has been received, which would be interpreted to be handled by a signal processing unit within the processor, prompts the received message or image to be displayed by the exterior display, that there would be an image processing means located within the processor to be able to display such an image. Since the received message would prompt the image to be displayed on the screen only when the call is being received, the examiner interprets that the signal and image processors would only communicate with each other when image data is to be transferred and displayed, such as caller identification information.). Awan et al. fail to teach of a portable communicating apparatus wherein the display section is further comprised of image input means, and image processing means for receiving image data from the image input means, carrying out an image processing and supplying display data to the display unit. Suso et al. discloses a portable communicating apparatus wherein the display section is further comprised of image input means, and image processing means for receiving image data from the image input means, carrying out an image processing and supplying display data to the display unit (Column 4, lines 16-30 and column 12, lines 7-17. The examiner interprets that the camera is the image input means and that the circuit for processing output signals from the video camera is the image processing

means, and that since the video camera could be provided in the upper casing, that the processing unit for the camera would also be provided in the upper casing with the camera as it was when the camera was located in the coupling part.). Therefore it would have been obvious to "one of ordinary skill" in the art to combine the camera and image processor of Suso et al. with the foldable, portable communicating apparatus of Awan et al. in order to provide for a portable communicating apparatus which would enable the direction of the video camera to be changed over a significantly wide angular range while enabling for the outer portions of the apparatus to be foldably closed together.

5. Regarding claim 2, see the discussion of claim 1 above, and further more Awan et al. also discloses a folding section for foldably connecting the display section to the body section (Figure 2, item 108).

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Awan et al. (US 6,792,293) and Suso et al. (US 6,466,202) in view of Misawa (US 6,700,607). Awan et al. and Suso et al. disclose the portable communicating apparatus according to claim 1. Awan et al. and Suso et al. fail to teach of a portable communicating apparatus wherein the image data are image data having a relatively low image refresh rate in the display data. Misawa discloses an apparatus wherein the image data are image data having a relatively low image refresh rate in the display data (Column 9, line 59 to column 10, line 2. The examiner interprets that since there is a high-quality image

confirmation mode in which an image can be selected with a low refresh rate, that if the precise image were selected then the image data would have a low refresh rate.).

Therefore it would have been obvious to "one of ordinary skill" in the art to have the image data of the apparatus disclosed by Awan et al. and Suso et al. be image data that has a low refresh rate as disclosed by Misawa such that the images that would be taken by the camera would be displayed as a precise image.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Awan et al. (US 6,792,293) and Suso et al. (US 6,466,202) in view of Yoshida et al. (US 6,636,327). Awan et al. and Suso et al. disclose the portable communicating apparatus according to claim 1. Awan et al. and Suso et al. fail to teach of a portable communicating apparatus wherein the image data are image data having a relatively low image transmission speed in the display data. Yoshida et al. disclose of image data having a relatively low image transmission speed in the display data (Column 20, lines 46-63. The examiner interprets that since the image transmission speed is predicted from the resolution for and the complexity of an image, that image data being of high-quality, or high resolution, has a low transmission speed and that it would have been obvious to have the image data with low transmission speed such that the image data would be that with high resolution.). Therefore it would have been obvious to "one of ordinary skill" in the art to have the image data of the apparatus disclosed by Awan et al. and Suso et al. be image data that has a low transmission speed as disclosed by

Yoshida et al. such that the images that would be taken by the camera would be displayed with high resolution.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen G. Sherman whose telephone number is (571) 272-2941. The examiner can normally be reached on M-F, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SS


REGINA LIANG
PRIMARY EXAMINER

12 October 2005